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| FROM | NAME & TITLE | THOMAS J. STOSUR, DIRECTOR | CITY of BALTIMORE MEMO |  |
| | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR | | |
| | SUBJECT | BMZA / 3501-3511 O'Donnell Street | | |

TO Mr. David Tanner, Executive Director
Board of Municipal and Zoning Appeals
417 East Fayette Street, 14th Floor

DATE: April 20, 2015

REQUEST

The Department of Planning has received Nate Pretl's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of TJB LLC, to subdivide the property and construct eight four-story attached single family dwellings with rooftop decks and rear-loading garages. The Zoning Administrator has determined that variances of lot area, lot coverage, building height and floor area ratio are needed for approval. We understand that this appeal is scheduled for hearing on April 21, 2015.

SITE

3501-3511 O'Donnell Street is located on the southeast corner of the intersection with Baylis Street. This property measures approximately 104' by 100' and is currently improved with a one-story commercial building covering the entire lot. This site is zoned R-8 and is located within the Canton National Register Historic District (to which the existing building is a non-contributing structure).

ANALYSIS

Use: In this zoning district, single-family attached dwellings are a permitted use, and so are allowed (§4-1101). In this case, the property was last authorized for use as a garage, other than accessory, for repair and servicing of motor vehicles, which is a nonconforming use in this R-8 General Residence District. The proposed use would extinguish nonconforming use of the property.

Lot Area: In this zoning district, single-family attached dwellings require 750 square feet of lot area per dwelling unit (§4-1106.a.). In this case, the proposed lots enclose over 1,000 square feet each, and so would meet this requirement.

Lot Coverage: The existing structure covers 100% of the property. A structure may not cover more than 60% of the lot area (§4-1106.a.). In this case, the proposed new attached dwelling structures would result in the structure covering approximately 71% of the property, which would exceed this standard.

Lot Coverage Variance: The Board may grant a variance to authorize a lot coverage that is more than that otherwise allowed by the applicable regulation (§15-202.b). The proposed redevelopment of this property would reduce the amount of lot coverage now existing.

Height Variance: The Board may grant a variance to authorize a height that is more or less than that otherwise allowed by the applicable regulation (§15-204.a). In this case, the proposed height is approximately 40' which exceeds the permitted height of 35' (§4-1108.a.) by 14%. As this is a proposal for new construction, the structures could be designed to comply with the height limit. Reduction of the size of the proposed fourth floor rooms could obviate the need for a variance.

Floor Area Ratio Variance: The Board may grant a variance to increase a basic floor area ratio factor by no more than 75% of the applicable regulation (§15-204.b). In this case, the proposed floor area ratio is approximately 3.0 which exceeds the permitted multiple-family dwelling structure FAR of 2.0 by 50%. As the request is within the variable range the Board may apply, the appeal may be approved. However, as with the requested height variance reviewed above, this proposal is for new construction of garage townhomes, which could be designed to comply with the FAR limit also. (Additionally, no floor plans have been provided with this application, and if the first floor levels were largely used for parking, actual living space floor area may be designed to be within the 2.0 FAR.)

Land Use and Urban Design: The proposed redevelopment of this property requires review by the Site Plan Review Committee and subdivision approval by the Planning Commission. The applicant is urged to contact the Department of Planning promptly to initiate these actions.

TransForm Baltimore: This property would remain part of the R-8 District (Proposed Zoning Map Area 8-C) in which single-family attached dwellings would be permitted uses (Table 9-301). The R-8 Districts would have off-street parking requirements of 1 space per dwelling unit (Table 16-406A).

RECOMMENDATION

The Department of Planning is not in support of the portions of this appeal relating to variances of height or floor area ratio limits, because a new construction project can be designed to meet existing Zoning Code requirements. The Department recommends that approval of the remainder of this application, if granted, be subject to review by the Site Plan Review Committee of the final site plan for this property, and subject to approval of the proposed subdivision of the property by the Planning Commission.

TJS/wya/mf

cc: Nate Pretl, Appellant